GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TWD – LTR – West Godavari District - Revision Petition filed by Sri Andru Ramulu @ Ramarao S/o.Ammanna, R/o.Jangareddigudem (V)&(M), West Godavari District against the orders of the Agent to Government, West Godavari District, Eluru in S.R.A.No.4/2010(F2) dated:23.07.2011 in respect of land measuring Ac.7.10 cts in Un-survey Patta No.161 (Present R.S.No.105 and 106) situated in Buttaigudem (V)&(M), West Godavari District - Allowed - Orders - Issued.

SOCIAL WELFARE (TW.LTR-I) DEPARTMENT

G.O.MS.No. 103 **Dated: 19-07-2018**
Read the following:-

1. Revision Petition filed by Sri Andru Ramulu @ Ramarao S/o.Ammanna, R/o.Jangareddigudem (V)&(M), West Godavari District dt.03.09.2011.
2. Govt.Memo No.12913/TW.LTR-1/2011, Dated.25.11.2011.
3. From the District Collector, West Godavari District, Eluru, Roc.No.F2/E-57732/2016, Dated.17.04.2016.
4. Govt.Lr.No.12913/TW.LTR-1/2011, Dated.29.11.2017, 01.02.2018, 19.03.2018.

ORDER:

In the reference Ist read above, Sri Andru Ramulu @ Ramarao S/o.Ammanna, R/o.Jangareddigudem (V)&(M), West Godavari District was filed Revision Petition before the Government against the orders of the Agent to Government, West Godavari District, Eluru in S.R.A.No.4/2010(F2) dated:23.07.2011 in respect of land measuring Ac.7.10 cts in Un-survey patta No.161(Present R.S.No.105 and 106) situated in Buttaigudem (V)&(M), West Godavari District.

2. In the reference 2nd read above, the Agent to Government/District Collector, West Godavari District, Eluru was requested to send parawise remarks and connected case records in the matter, so as to dispose off the Revision Petition at Government level.

3. The District Collector, West Godavari District, Eluru has furnished parawise remarks and connected records vide reference 3rd read above.

4. During the course of hearing of the case that the revision petitioner advance his arguments as per the grounds of revision and on verification of the grounds in revision petition, the documents and the grounds of Revision and Para Wise remarks as well as the other documents and material available on the record it is noticed that lower authority observed that the revision petitioners failed to produce any document in support of their claim of possession of the land prior to the coming into force of the regulations and also failed adduce any proof over the land being in their possession prior to regulations.

5. The contention of revision petitioners that the land legally purchased in the year 1969 under agreement of sale from non tribal for valuable consideration and he is in possession and enjoyment of the same by paying land revenue and the registered sale deed of the year 1974 and there is no violation of regulations and earlier initialed proceedings and the same was disallowed.

6. It is observed that as seen from the record that earlier an enquiry was conducted by Special Deputy Collector (TW) on compliant filed by Special Deputy

(P.T.O)

Tahsildar in SR.No.52/1982 and disallowed by the order dated 25.02.1983 which became final again with the same set of facts a complaint filed without preferring any appeal and the same is also ordered as action was dropped in SR.No.447/2001 by the Special Deputy Collector (TW) 5th November, 2001 and again a complaint was preferred with the same set of facts which is the subject matter.

7. That as seen from the above and the material available on the record that it can be concluded that the lower authority and the appellant authority failed to observe the above. There is no provision in the regulation to review an order passed under the regulations. The order made earlier rejecting the application for eviction of revision petitioner from the land in question by Special Deputy Collector (TW) in year 1983 had become final. Initiation of eviction proceedings under the provisions of regulations in respect of same survey numbers covered by earlier order is unwarranted.

8. That taking consideration of the above and the material available on the record it needs for interference and accordingly the orders of the lower authority and appellant authority are hereby set-aside by allowing the revision petition in the favour of the revision petitioner.

9. The Collector & District Magistrate, West Godavari District, Eluru is requesting to take necessary action in the matter accordingly and acknowledge the receipt of the case records, which are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S.RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To
The Collector & District Magistrate, West Godavari District, Eluru (w.e)
The Special Deputy Collector, Tribal Welfare, Polavaram, West Godavari District.
Sri Andru Ramulu @ Rama Rao, S/o.Ammanna, R/o.Jangareddigudem (V&M), West Godavari District, Eluru.
Copy to:
Sri P.R.K.Amarendra kumar, Advocate,
406, Streling Majestic Apartment, Padmaraonagar, Secunderabad.
Sri Nupa Paparao, S/o.Ammanna and (8) Others, R/o.K.Ankampalem (V), Buttaigudem (M), West Godavari District.
The P.S. to Hon'ble Minister (SWE & TWE)
The P.S. to Principal Secretary (TW)
Sf/Sc.

//FORWARDED:: BY ORDER //

SECTION OFFICER